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RESOLUTION ADOPTED BY THE GENERAL ASSEMBLY

[on the report of the Third Committee (A/46/721 and Corr.1)]

46/133. Situation of human rights and fundamental freedoms in El Salvador

The General Assembly,

Guided by the principles of the Charter of the United Nations, the Universal Declaration of Human Rights, 1/ the International Covenant of Civil and Political Rights, 2/ article 3 common to the Geneva Conventions of 12 August 1949 3/ and Additional Protocol II to the Conventions, of 1977, 4/

Taking into account the commitments undertaken by the Central American Presidents in various joint statements on the promotion of, respect for and exercise of human rights,

Noting with satisfaction that the Government of El Salvador and the Frente Farabundo Martí para la Liberación Nacional are pursuing the negotiating process that began on 4 April 1990 under the auspices of the Secretary-General, with a view to ending the armed conflict through political means as speedily as possible, promoting the democratization of the country, guaranteeing unrestricted respect for human rights and reunifying Salvadorian society,

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1/ Resolution 217 A (III).

2 See resolution 2200 A (XXI), annex.

3/ United Nations, Treaty Series, vol. 75, Nos. 970-973.

4/ Ibid., vol. 1125, No. 17513.

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Taking into account the establishment of the United Nations Observer Mission in El Salvador, whose initial task, as part of a comprehensive peace-keeping operation, is to verify compliance with the partial agreement on human rights signed at San José on 26 July 1990, 5/

Noting with satisfaction that the Government of El Salvador and the Frente Farabundo Martí para la Liberación Nacional have agreed at Mexico City on important constitutional reforms on the issues relating to the armed forces, the judicial system, the electoral system and human rights which, with the exception of the issue relating to the armed forces, have already been ratified by the Legislative Assembly, and on the establishment of the Commission on the Truth for the purpose of investigating serious acts of violence that have occurred in El Salvador since 1980,

Noting with satisfaction the agreement reached by the two parties in New York on 25 September 1991, 6/ on the basis of which the negotiating process has continued intensively and without interruption, creating hopes that the set of political agreements necessary for ending the armed conflict can be agreed upon in the shortest possible time,

Concerned that, despite a reduction in their number, serious violations of human rights and of the humanitarian rules of warfare persist,

Noting with satisfaction that, in the present context of the negotiating process, the Frente Farabundo Martí para la Liberación Nacional has unilaterally decided to desist from all offensive actions, urban operations and economic sabotage, and the Government of El Salvador has, for its part, decided to stop aerial bombing and the use of heavy artillery, decisions whose implementation is important in terms of increasing mutual trust and creating the necessary conditions for the achievement of a permanent cease-fire and the other objectives set out in the agreement signed at Geneva on 4 April 1990, 7/

1. Commends the Special Representative of the Commission on Human Rights for his provisional report on the situation of human rights in El Salvador, 8/ and endorses the recommendations contained therein;

5/ See A/44/971-S/21541, annex; see Official Records of the Security Council, Forty-fifth Year, Supplement for July, August and September 1990, document S/21541.

6/ See A/46/502-S/23082; see Official Records of the Security Council, Forty-sixth Year, Supplement for July, August and September 1991, document S/23082.

7/ See A/45/706-S/21931, annex I; see Official Records of the Security Council, Forty-fifth Year, Supplement for October, November and December 1990, document S/21931.

8/ A/46/529, annex.

2. Expresses its full support for the United Nations Observer Mission in El Salvador which, since 26 July 1991, has been verifying compliance with the partial agreement on human rights, and requests the Government of El Salvador and the Frente Farabundo Martí para la Liberación Nacional to extend all facilities required for the discharge of its functions, ensure its security and comply as promptly as possible with the recommendations made to them;

3. Expresses its satisfaction that the Government of El Salvador and the Frente Farabundo Martí para la Liberación Nacional, as part of their efforts to resolve the armed conflict, have signed agreements and established mechanisms for verification and monitoring in the field of human rights, full respect for which is essential to the attainment of a just and lasting peace;

4. Calls upon the Government of El Salvador and the Frente Farabundo Martí para la Liberación Nacional to take forthwith the actions and steps required to eradicate serious violations of human rights and of the humanitarian rules of warfare;

5. Urges the Government of El Salvador and the Frente Farabundo Martí para la Liberación Nacional to continue negotiations until the necessary political agreements are arrived at to put an end to the armed conflict as speedily as possible, lay firm foundations for promoting the democratization of the country, guarantee full respect for human rights and bring about the reunification of Salvadorian society;

6. Recognizes that it is an important precedent in Salvadorian penal justice to have pronounced guilty, on 25 September 1991, two soldiers, one of them of high rank, involved in the assassination of the Rector and other Jesuit priests of the Central American University, their housekeeper and her daughter, and urges the competent authorities to continue their investigation in order to determine whether other persons may have been involved, with a view to assigning responsibility as appropriate;

7. Notes with satisfaction that, in conformity with the New York Agreement, 6/ the National Commission for the Consolidation of Peace has been set up in its transitory phase, constituting a mechanism for the monitoring of and for the participation of civilian society in the process of the changes resulting from the negotiations between the parties;

8. Urges the Government of El Salvador and the Frente Farabundo Martí para la Liberación Nacional to strengthen the confidence-building and security measures adopted unilaterally in order to keep the armed conflicts suspended until political agreements are reached which will definitively put an end to the armed conflict and achieve the other objectives established in the agreement signed at Geneva on 4 April 1990; 7/

9. Supports fully the work of mediation being done by the Secretary-General and his personal representative in the search for a political solution to the armed conflict;

10. Decides to keep under consideration, during its forty-seventh session, the situation of human rights and fundamental freedoms in El Salvador, in conformity with the course of events in the country.

75th plenary meeting
17 December 1991